



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

JUL 19 2016

Mr. Richard Baldauf
Conestoga Wood Specialties Corp.
245 Reading Road
East Earl, PA 17519

**Re: Notice of Violation
Compliance Evaluation Inspection
May 4, 2016
EPA ID No. PAD047520234**

Docket Number: R3-16-NOV-RCRA-024

Dear Mr. Baldauf:

On May 4, 2016 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that Conestoga Wood Specialties Corp. (the Facility) is violating regulations promulgated under PAHWR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation(s) are:

1. During the inspection the inspector was informed that all spent aerosol cans are disposed of in the regular trash; see page 2 of inspection report. Failure to make a hazardous waste determination as required by 25 PA § 262a [40 CFR 262.11].
2. During the records review the inspector observed Hazardous Waste Manifest #013708460 JJK without the signature for the designated facility; see inspection report page 4. A copy was not located. Failure to maintain a copy of signed manifest as required by PA Code 262a [40 CFR 262.40(a)].
3. The facility did not have records of the job descriptions as they relate to hazardous waste management. Failure to maintain a written job descriptions as they relate to hazardous waste management 25 PA §265a [40 CFR §265.16(d)(2)].
4. During the inspector's review of the facility contingency plan, see page 5 of the inspection report, he discovered the plan did not describe the arrangements made with the local authorities. The inspector also observed that the home address was not provided for the

emergency contact information. Failure to describe the arrangements agreed to by the local authorities as required in 25 PA §265a [40 CFR §265.52(c)]. Failure to list names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator as required in 25 PA §265a [40 CFR §265.52(d)].

5. In the electrical storage area the inspector observed universal wastes being stored. No accumulation dates were maintained for the batteries. The waste batteries were not marked as required. The dates written pertained to the installation date and not the accumulation, according to the Facility; see page 3 of the inspection report and photo 10. Boxes containing waste lamps were opened and not marked with the proper wording, see photo 6 and 7 of the inspection report. Failure to keep containers closed. Failed to label or mark containers holding waste batteries with the following phrases: "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)". Failed to label or mark containers holding waste lamps with the following phrases: "Universal Waste-Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)". Failed to demonstrate the length of time the universal waste has accumulated as required in and the containers to be kept closed in required 25 PA §266b [40 CFR 273].

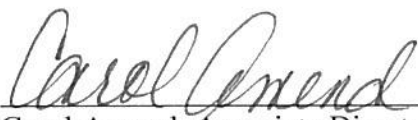
Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak
Office of Land Enforcement
EPA Region III - 3LC70
1650 Arch Street
Philadelphia, PA 19103-2029
forostiak.stephen@epa.gov



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

July 19, 2014
Date

Enclosure

cc: S. Forostiak (3LC70)
T. Mellott, PADEP (Central Office)